

DEC 17 1999

PATENT

## PATENT APPLICATION

ATTORNEY DOCKET NO. 0010-011

#3

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:  
 My residence/post office address and citizenship are as stated below next to my name;  
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## System And Method For Managing Connections Between A Client And A Server

the specification of which is attached hereto unless the following box is checked:

was filed on September 24, 1999 as US Application Serial No. 09/405,608 or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

## Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119	
			YES: _____	NO: _____
			YES: _____	NO: _____
			YES: _____	NO: _____

## Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

## U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

## POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) listed below, with full power of substitution and revocation, to prosecute this application and transact all business connected therewith in the Patent and Trademark Office and before competent International Authorities.

Larry E. Henneman, Jr., Reg. No. 41063

## Direct Telephone Calls To:

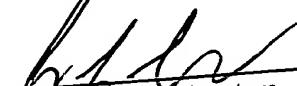
Larry E. Henneman, Jr.  
209-833-8820

## Send Correspondence to:

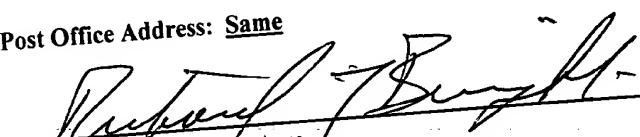
Larry E. Henneman, Jr.  
Henneman & Saunders  
9 W. 8th Street, Suite 600  
Tracy, CA 95376

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION (continued)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Citizenship: USFull Name of First Inventor: Jack J. SmithResidence: 28021 Audry Smith Lane, Saratoga, CA 95070Post Office Address: Same

  
First Inventor's Signature

Date

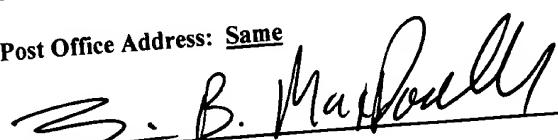
11/10/99Full Name of Second Inventor: Richard T. BurrightCitizenship: USResidence: 2258 Dry Creek Ct., San Jose, CA US 95124Post Office Address: Same

  
Second Inventor's Signature

Date

11/10/99Full Name of Third Inventor: W. Spencer Worley, IIICitizenship: USResidence: 311 Correas Avenue, Half Moon Bay, CA US 94019Post Office Address: Same

  
Third Inventor's Signature

Date

11/10/99Full Name of Fourth Inventor: Eoin B. MacDonellCitizenship: USResidence: 1057 Yorktown Dr., Sunnyvale, CA US 94087Post Office Address: Same

  
Fourth Inventor's Signature

Date

11-15-99

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John Vastano  
Fifth Inventor's Signature

Nov. 10, 1999  
Date

Full Name of Sixth Inventor: William T. Weatherford

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William T. Weatherford  
Sixth Inventor's Signature

Nov 15, 1999  
Date

DEC 17 1999

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Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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#3

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN**

Docket Number (Optional)  
0010-011

Applicant, Patentee, or Identifier: Jack J. Smith, et al.

Application or Patent No.: 09/405,608

Filed or Issued: 9/24/1999

Title: System And Method For Managing Connections Between A Client And A Server

I hereby state that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN N-CUBED.NET, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 1190 Saratoga Ave., Suite 150, San Jose, CA 95129

I hereby state that the above identified concern qualifies as a small business concern as defined in 13 CFR 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person concern, or organization having rights in the invention is listed below:

No such persons, concerns, or organizations exist.  
 Persons, concerns, or organizations are listed below:

Separate statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Spencer Worley

TITLE OF PERSON IF OTHER THAN OWNER Chief Technical Officer

ADDRESS OF PERSON SIGNING 1190 Saratoga Ave., Suite 150, San Jose, CA 95129

SIGNATURE Spencer Worley

DATE 10/27/99

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.